

REMARKS

Restriction/Election under 35 U.S.C. § 121

The Examiner has required restriction under 35 USC § 121 to one of the following inventions:

- Group I: Claims 15-30, drawn to an antimicrobial topical skin barrier lotion, classified in class 514, subclass 846;
- Group II: Claims 31 and 32, drawn to a water-based antibacterial hand cleanser, classified in class 252, subclass 182.31; and
- Group III: Claims 33-36, drawn to a water-based spray, classified in class 514, subclass 945.

The Examiner acknowledges claims 15 and 16 are generic for the lotion of Group I. Applicant traverses the determination that claim 17 is not generic for Group I. Applicant respectfully submits claim 17 is also generic for Group I because it is the same as claim 15 except it does not comprise “one or more fungicidal agents” as found in claim 15. The Examiner further acknowledges that claim 31 is generic for the hand cleanser of Group II and claim 33 is generic for the surface cleanser of Group III.

Applicant elects Group I—Claims 15-30, without traverse, because the Examiner has provided plausible arguments that the inventions as claimed do not encompass overlapping subject matter and are not obvious variants of one another.

Applicant has been required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant elects, without traverse, the species as

defined and encompassed in claim 18 which is directed to a specific combination of ingredients present in the lotion of Group I.

An office action on the merits is respectfully requested.

Respectfully submitted,

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